

REMARKS

This Reply is accompanied by an Examiner's Interview Summary.

102(e)

The examiner rejected Claims 1-31 under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2001/0032128 ("Kepecs").

Claim 1

As amended, claim 1 recites "...generating in a computer an ordered list of offers from a set of offers, by which to contact a potential customer from a group of potential customers by considering the potential customer independently from others of the potential customers in the group, during generating of the ordered list of offers for the potential customer, with generating comprising: assigning offers by the computer based on individual attributes of the potential customer independently of corresponding attributes of the others of the potential customers in the group; repeating generating for subsequent others of the potential customers to produce corresponding ordered lists; and producing a second list of offers that is a list provided from the ordered lists of offers from the one and subsequent others of the potential customers, with the second list based upon a budget for contacting the potential customers in the group..."

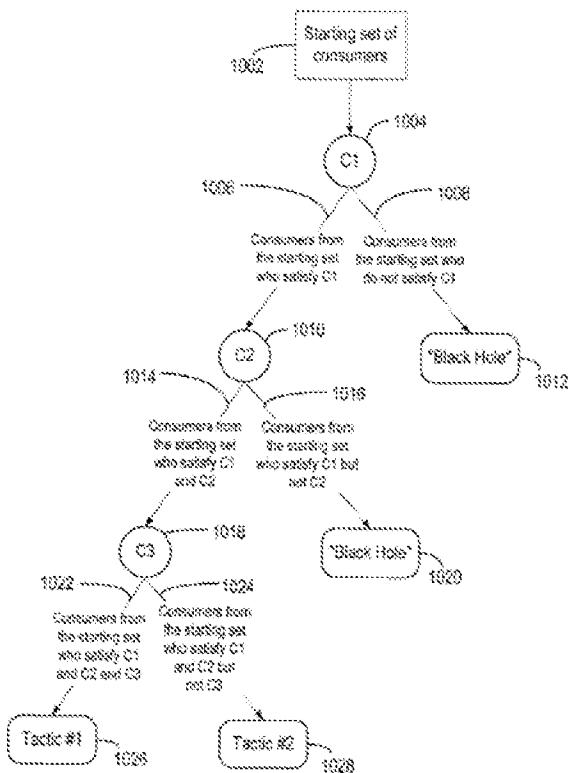
Kepecs neither describes nor suggests assigning offers by the computer based on individual attributes of the potential customer independently of corresponding attributes of the others of the potential customers in the group. Kepecs, rather, states that purchase history for a group of consumers is considered in generating an offer to a consumer from a group of consumers:

The embodiment...receives purchase history information for the plurality of consumers which comprises information related to purchases made by the plurality of consumers. The present invention identifies a first consumer from the plurality of consumers based upon the purchase history information and the information identifying the plurality of consumers. In

accordance with the present invention, a first offer is generated for the first consumer and provided to the first consumer.¹

That is, such a first consumer was not considered based on individual attributes independently of corresponding attributes of the other consumers. Instead, "information related to purchases made by the plurality of consumers" and "information identifying the plurality of consumers", instead of individual attributes of the potential customer independently of corresponding attributes of the others of the potential customers in the group, as recited in claim 1, drives an offer-assigning decision in Kepecs.

Further, Kepecs neither describes nor suggests repeating generating for subsequent others of the potential customers to produce corresponding ordered lists. Rather, Kepecs outlines a decision tree based upon various conditions, as pictured below²:



¹ Kepecs, Paragraph [0010]. Also see the embodiments in Paragraphs [0009], [0011], and [0012].

² Id., FIG. 10 and Paragraphs [0113]-[0117]

In this decision tree, with the conditions employed by Kepecs, Kepecs clearly operates on the customers as a group and it would make no sense to speak of "repeating generating for subsequent others of the potential customers," as recited in claim 1, because the conditions have been applied to the group of consumers as a whole.

Moreover, Kepecs neither describes nor suggests "producing a second list of offers that is a list provided from the ordered lists of offers from the one and subsequent others of the potential customers, with the second list based upon a budget for contacting the potential customers in the group." Nowhere does Kepecs describe producing a second list of offers provided from the ordered lists of offers from the one and subsequent others of the potential customers. Also, Kepecs states that

[t]he processing may also be terminated if marketing system 110 decides not to make any offers to a consumer, for example, for budgetary reasons, due to rules configured by the campaign designer, etc.³

That is, Kepecs not only does not generate a second list of offers based upon a budget, but only decides whether or not to terminate a marketing campaign to a consumer based upon a budget. Claim 1 is therefore not anticipated by Kepecs.

In essence, Kepecs can be considered as providing the group of customers that is operated on by the features of claim 1, but does not suggest any assignment of offers by the computer based on individual attributes of the potential customer independently of corresponding attributes of the other ... potential customers in the group, and hence the features of claim 1 pertaining to the ordered lists and the second list.

Claim 4

Claim 4 recites "filtering out illegal offers from the set of offers for a member of the group of potential customers." Kepecs, on the other hand, describes an offer generation system in which a first offer is made to a consumer and decides on a subsequent offer to make to the consumer depending upon the number of times the first offer is made before the consumer

³ Kepecs, Paragraph [0077]

purchases a product associated with the offer some other number of times.⁴ Such an offer generation system is not a filtering out illegal offers from a set of offers, but rather executing a single offer. Accordingly, claim 4 is not anticipated by Kepecs.

Claim 5

Claim 5 recites “producing an alternative ordered list of offers having N offers if a number of offers exceeds a number N of offers allocated for a potential customer.” Kepecs, on the other hand, describes allocating a threshold number of offers for a product category⁵. Accordingly, claim 5 is not anticipated by Kepecs.

Claim 6

Claim 6 recites “generating the ordered list of offers is performed independently for a potential customer in the group of potential customers to produce a list for the one and subsequent others of the potential customers.” Kepecs, on the other hand, merely states that a list of offers is sorted by priority⁶. Accordingly, claim 6 is not anticipated by Kepecs.

Claims 7, 20, and 28

Claims 7, 20, and 28 are valid for the same reasons that claim 1 is valid.

Claims 8, 9, 21, 22, and 29

Claim 8 recites “producing a proposed solution having an ordered list of N offers where N is the lesser of the total remaining offers and the maximum number of offers allowed for the potential customer.” Kepecs, on the other hand, describes allocating a threshold number of offers for a product category⁷. Accordingly, claim 8 is not anticipated by Kepecs.

Claim 9 recites “the proposed solution is represented as a bit string of a length that is equal to the total of the remaining offers.” Kepecs, on the other hand, describes a product

⁴ Id., Paragraph [0012]

⁵ Kepecs, Paragraph [0069]

⁶ Id., Paragraph [0066]

⁷ Id., Paragraph [0069]

category being indicated by a multi-digit category number⁸. Accordingly, claim 9 is not anticipated by Kepecs.

Claim 20 is equivalent to claim 8, and claims 21 and 29 are equivalent to claim 9, and are therefore not anticipated by Kepecs for the same reasons.

Claims 10, 23, and 30

Claim 10 recites "the proposed solution is checked against rules of the form (M,S), meaning at most M offers from set S can be sent to a potential customer." Kepecs, on the other hand, describes determining if a distribution channel over which an offer is being offered has reached a maximum threshold⁹. Accordingly, claim 10 is not anticipated by Kepecs.

Claims 23 and 30 are equivalent to claim 10 and are therefore not anticipated by Kepecs for the same reasons.

Claims 11 and 24

Claim 11 recites "determining a number of bits T > M from the set S that indicate offers should be sent in the proposed solution...generating new alternative proposed solutions, each proposed solution containing new alternative offers, wherein a new alternative offer is represented in a bit string by setting T-M number of bits that are not a part of the set S, and which immediately follow a rightmost one bit R1 in the proposed solution." Kepecs, on the other hand, describes determining if a distribution channel over which an offer is being offered has reached a maximum threshold¹⁰. Accordingly, claim 11 is not anticipated by Kepecs.

Claim 24 is equivalent to claim 10 and are therefore not anticipated by Kepecs for the same reasons.

Claims 12-19 and 25-27

Claims 12-19 and 25-27 depend from claims which have been shown to have been unanticipated by Kepecs and are not anticipated for the same reasons as the claims from which they depend.

⁸ *Id.*

⁹ Kepecs, Paragraphs {0067}-{0069]

¹⁰ *Id.*

It is believed that all the rejections and/or objections raised by the examiner have been addressed.

In view of the foregoing remarks, applicant respectfully submits that the application is in condition for allowance and such action is respectfully requested at the examiner's earliest convenience.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The required fee **\$490** for the Petition for Extension of Time is being paid concurrently on the electronic filing system by way of deposit account authorization.

Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 10235-0026001.

Respectfully submitted,

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